

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

LITTLE GIANT LADDER SYSTEMS,  
LLC, a Utah company,

Plaintiff,

vs.

TRICAM INDUSTRIES, INC., a  
Minnesota corporation,

Defendant.

Case No. 0:20-cv-02497-KMM-ECW

**PLAINTIFF’S NOTICE OF  
SUPPLEMENTAL AUTHORITY  
RE: CLAIM CONSTRUCTION**

Plaintiff Little Giant Ladder Systems, LLC (“Plaintiff” or “Little Giant”) respectfully notifies the Court of a recent claim construction decision from the Federal Circuit in *Genuine Enabling Tech. LLC v. Nintendo Co.*, \_\_\_ F.4th \_\_\_, 2022 U.S. App. LEXIS 8708 (Fed. Cir. Apr. 1, 2022) (precedential) (attached). The *Genuine Enabling* decision reversed a district court’s claim construction for (1) finding disclaimers of claim scope from statements in the prosecution history where the statements were “amenable to multiple reasonable interpretations” and not “so unmistakable as to be unambiguous evidence of disclaimer,” *id.* at \*17, and (2) relying on expert testimony to justify diverging from the claim construction “mandated by the claims themselves, the written description, and the prosecution history, in other words, with the written record of the patent,” *id.* \*14-\*16, \*20. This decision is relevant to arguments asserted in connection with at least the “cavity” and “retaining mechanism” limitations. *Compare Genuine Enabling* at \*17-19 with ECF 70 at 12-13; ECF 72 at 11-14; ECF 79 at 2-7; ECF 81 at 7-

8; and compare *Genuine Enabling* at \*14-16, \*20 with ECF 70 at 17-19; ECF 79 at 8-10; ECF 81 at 9-15.

Dated: April 12, 2022

By: /s/ Mark A. Miller

Shannon L. Bjorklund (#0389932)  
bjorklund.shannon@dorsey.com  
Caitlin L.D. Hull (#0398394)  
hull.caitlin@dorsey.com  
DORSEY & WHITNEY LLP  
Suite 1500, 50 South Sixth Street  
Minneapolis, MN 55402-1498  
Telephone: (612) 492-6723  
Fax: (612) 395-5494

and

Mark A. Miller (*pro hac vice*)  
miller.mark@dorsey.com  
Brett L. Foster (*pro hac vice*)  
foster.brett@dorsey.com  
Elliot J. Hales (*pro hac vice*)  
hales.elliott@dorsey.com  
DORSEY & WHITNEY LLP  
111 South Main, 21<sup>st</sup> Floor  
Salt Lake City, UT 84111  
Telephone: (801) 933-7360  
Fax: (801) 933-7373

*Attorneys for Plaintiff Little Giant Ladder  
Systems, LLC*